

PATENT

Sprint Docket No. 1458
Express Mail Label No. EL674329356US

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT,
SUPPLEMENTAL, DIVISIONAL, CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type:

- original
- design
- supplemental
- national stage of PCT
- divisional
- continuation
- continuation-in-part

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SYSTEM & METHOD FOR SELECTING SPECTRUM

SPECIFICATION IDENTIFICATION

The specification:

- is attached hereto.
- was filed on _____ 2001, as Serial No. ____, or Express Mail No., if the Serial No. is not yet known and was amended on _____ (if applicable).
- was described and claimed in PCT International Application No. _____ filed on _____ and as amended on PCT Article 19 on ____ (if any).

FAX 404-953-2008

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-mentioned specification, including the claims, as amended by any amendment referred to above (if any).

I acknowledge the duty to disclose all information known to me to be material to patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (a).

- and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, and
- in compliance with this duty there is attached an information disclosure statement under 37 CFR 1.97.

CLAIM FOR BENEFIT OF EARLIER US/PCT APPLICATION(S) UNDER 35 U.S.C. 120

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of the application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATION(S) DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120

U.S. APPLICATION(S)	STATUS (Check One)				
	US APPLICATION(S)	US FILING DATE	PATENTED	PENDING	ABANDONED
<input type="checkbox"/> <u> </u> / <u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<input type="checkbox"/> <u> </u> / <u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<input type="checkbox"/> <u> </u> / <u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

PCT APPLICATION(S) DESIGNATING THE U.S.

PCT APPLICATION NUMBER	PCT FILING DATE	ASSIGNED (if any)
<input type="checkbox"/> _____	_____	_____
<input type="checkbox"/> _____	_____	_____

**35 USC 119 PRIORITY CLAIM, IF ANY, FOR ABOVE LISTED
US/PCT APPLICATIONS**

DETAILS OF FOREIGN APPLICATION FROM WHICH PRIORITY
CLAIMED UNDER 35 USC 119

ABOVE APPLICATION NUMBER	COUNTRY APPLICATION NUMBER	DATE OF FILING (day, mo. yr.)	DATE OF ISSUE (day, mo. yr.)
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

No such applications have been filed.
 Such applications have been filed as follows.

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Kenneth Goetz, Reg No. 32,696; Janelle D. Strode, Reg No. 34,738; Michael Byorick, Reg No. 34,131; William A. Rudy, Reg No. 34,916; Daniel N. Fishman, Reg No. 35,512; Dan Cleveland, Jr., Reg No. 36,106; Thomas Swenson, Reg No. 36,696; Peter C. Knops, Reg No. 37,659; Curtis A. Vock, Reg No. 38,356; James M. Stipek, Reg No. 39,388; Joseph L. Johnson, Reg No. 39,718; Neil L. Arney, Reg No. 41,589; David J. Lee, Reg No. 41,935; Jeffrey B. Williams, Reg No. 43,269; Kimberly A. Wingate, Reg No. 43,776; and Robert J. Lambrechts, Reg No. 46,854; all of the firm Lathrop & Gage, L.C., 2345 Grand Boulevard, Suite 2800, Kansas City, Missouri 64108-2684; phone: (816) 292-2000; facsimile: (816) 292-2001; and

Harley R. Ball, Reg. No. 31,733 of Sprint Law Department, Mailstop: MOKCMP0503, 8140 Ward Parkway, Kansas City, Missouri 64114; Phone: (913) 624-6668, Fax (913) 624-6388; Steven J. Funk, Reg. No. 35,875 of Sprint Law Department, Mailstop: MOKCMP0503, 8140 Ward Parkway, Kansas City, Missouri 64114; Phone (913) 624-6828, Fax: (913) 624-6388; and Kevin D. Robb, Reg. No. 47,901 of Sprint Law Department, Mailstop: MOKCMP0503, 8140 Ward Parkway, Kansas City, Missouri 64114; Phone: (913) 624-5340, Fax (913) 624-6388.

Please direct all communications to: Attn: Harley R. Ball
 Sprint Law Department
 Mailstop: MOKCMP0503
 8140 Ward Parkway
 Kansas City, Missouri 64114
 Phone: (913) 624-6668

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

40320062 103004

SIGNATURE(S)

Full name of first inventor, if any: John W. Linebarger

Residence: 3421 Providence Manor Rd., Charlotte, North Carolina 28270

Post Office Address: 3421 Providence Manor Rd., Charlotte, North Carolina 28270

Country of Citizenship: United States of America

Inventor's signature:  Date: 10/3/01

Full name of second inventor, if any: Durga P. Satapathy

Residence: 17684 West 159th Terrace, Olathe, Kansas 66062

Post Office Address: 17684 West 159th Terrace, Olathe, Kansas 66062

Country of Residence: United States of America

Country of Citizenship: India

Inventor's signature: Durga Prasad Satapathy Date: 10/22/01

JMS/dmp/939735v1

**ASSIGNMENT AND AGREEMENT IN AN APPLICATION FOR
LETTERS PATENT OF THE UNITED STATES OF AMERICA**

I hereby declare that I am the sole inventor (if only one inventor is named below) or an original, first and joint inventor (if plural inventors are named below) of the invention relating to "System & Method for Selecting Spectrum" described in an application for Letters Patent of the United States of America filed on _____, Application No._____, or, if not identified here by filing date and serial number, executed by me on even date with my execution of this Assignment.

For valuable consideration received, I hereby sell, assign and transfer to Sprint Communications Company L.P., a limited partnership duly organized and existing under the laws of the State of Delaware, United States of America, its successors and assigns, my entire right, title and interest, for all countries in and to said inventions and all the rights and privileges under any and all Letters Patent that may be granted therefore, and any divisions, continuations, reissues and extensions thereof.

I agree that, when requested, I will, without charge to said corporation but at its expense, sign all papers, take all rightful oaths, make all rightful declarations and do all acts which may be necessary, desirable or convenient for securing and maintaining patents or other forms of protection for said inventions in any and all countries and for vesting title thereto in said corporation, its successors, assigns or nominees. If I fail to perform those acts requested in the previous sentence, damages will be the amount of any honorarium that I received for this invention(s). This will not preclude Sprint or its successors, assigns and nominees from taking any action for securing, maintaining, or vesting title to Sprint, or its successors, assigns and nominees.

I agree that I will communicate to said corporation or its representatives any facts known to me respecting said inventions and when requested by said corporation and at its expense will testify in any legal proceedings, and generally do everything possible to aid said corporation, its successors, assigns and legal representatives or nominees, to obtain or enforce proper protection for said inventions in any and all countries.

I authorize and empower said corporation, its successors, assigns or nominees, to make application for patent or other form of protection for said inventions in its or their own name, or in my/our name, in any and all countries to invoke and claim for any application for patent or other form of protection for said inventions filed by it or them, the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it, and to invoke and claim such right of priority without further written or oral authorization from me.

I hereby consent that a copy of this Assignment shall be deemed a full legal and formal equivalent of any assignment, consent to file or like document which may be required in any country for any purpose and more particularly in proof of the right of the said corporation or its successors, assigns or nominees to apply for patent or other proper protection for said inventions, and to claim the aforesaid benefits of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it.

I covenant with Sprint Communications Company L.P., its successors, assigns, legal representatives, and nominees, that to the best of my knowledge the right, title and interest herein conveyed by me are free and clear of any encumbrance, and that I have the full right to convey the same as herein expressed.

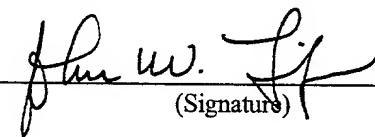
This Agreement and Assignment supersedes all other assignments, agreements and addendums related to the above identified application.

After this Assignment has been recorded, please return it to :

Attn: Harley R. Ball
Sprint Law Department
8140 Ward Parkway
Mailstop: MOKCMP0503
Kansas City, Missouri 64114

SOLE or JOINT INVENTOR

Inventor: John W. Linebarger
(Printed Name)


(Signature)

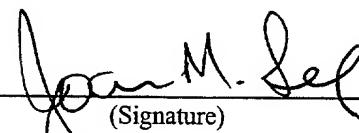
Citizenship: United States of America

Date: 10/3/01

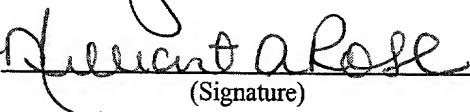
Post Office Address: 3421 Providence Manor Road
Charlotte, North Carolina 28270

Residence: 3421 Providence Manor Road
Charlotte, North Carolina 28270

1st Witness: Joan M. Lee
(Type or Print)


(Signature)

2nd Witness: MILUCENT A. Rose
(Type or Print)


(Signature)

SOLE or JOINT INVENTOR

Inventor: Durga P. Satapathy
(Printed Name)


(Signature)

Citizenship: India

Date: 10/22/2001

Post Office Address: 17684 West 159th Terrace
Olathe, Kansas 66062

Residence: 17684 West 159th Terrace
Olathe, Kansas 66062
United States of America

1st Witness: Raymond Reeves

(Type or Print)


(Signature)

2nd Witness: Robert J. Rygah

(Type or Print)


(Signature)

JMS/bjl/873351v1

PATENT
Attorney Docket No. 1458
Express Mail Label No. EL674329356US

IN THE UNITED PATENT AND TRADEMARK OFFICE

Applicant(s):	Satapathy et al.	Examiner:	Not Yet Assigned
Serial No.	Not Yet Assigned	Group Art Unit:	Not Yet Assigned
Filed:	Herewith		
For:	System and Method for Selecting Spectrum		

Box Patent Application
Commissioner for Patents
Washington, D.C. 20231

POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST
(INCLUDING REVOCATION OF PRIOR POWERS, IF APPLICABLE)
—AND—
CERTIFICATE OF ASSIGNEE UNDER 37 C.F.R. 3.73(b)

I. POWER OF ATTORNEY

The Assignee of the above application/patent is: Sprint Communications Company, L.P.

As Assignee, all powers of attorney previously given are hereby revoked and the following attorney(s) and/or agent(s) are hereby appointed to prosecute and transact all business in the Patent and Trademark office connected therewith.

Kenneth Goetz, Reg No. 32,696; Janelle D. Strode, Reg No. 34,738; Michael Byorick, Reg No. 34,131; William A. Rudy, Reg No. 34,916; Daniel N. Fishman, Reg No. 35,512; Dan Cleveland, Jr., Reg No. 36,106; Thomas Swenson, Reg No. 36,696; Peter C. Knops, Reg No. 37,659; Curtis

CERTIFICATE UNDER 37 C.F.R. § 1.8 and § 1.10

I hereby certify that, on the date shown below, this correspondence is being

deposited with the United States Postal Service in an envelope addressed to Box Patent Application, Commissioner for Patents, Washington, D.C. 20231 with sufficient postage:

MAILING

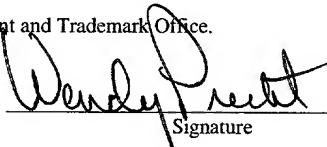
37 C.F.R. § 1.8
 as first class mail.

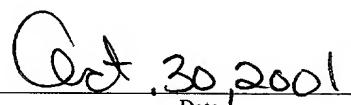
37 C.F.R. § 1.10
 as "Express Mail Post Office to Addressee"
EXPRESS MAIL NO. EL674329356US

FACSIMILE TRANSMISSION

transmitted by facsimile to the Patent and Trademark Office.

Wendy Precht
Name of Depositor


Signature


Oct. 30, 2001
Date

A. Vock, Reg No. 38,356; James M. Stipek, Reg No. 39,388; Joseph L. Johnson, Reg No. 39,718; Neil L. Arney, Reg No. 41,589; David J. Lee, Reg No. 41,935; Jeffrey B. Williams, Reg No. 43,269; Kimberly A. Wingate, Reg No. 43,776; and Robert J. Lambrechts, Reg No. 46,854; all of the firm Lathrop & Gage, L.C., 2345 Grand Boulevard, Suite 2800, Kansas City, Missouri 64108-2684; phone: (816) 292-2000; facsimile: (816) 292-2001; and

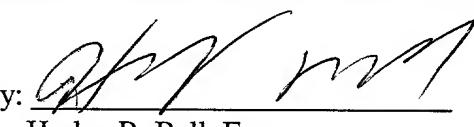
Harley R. Ball, Reg. No. 31,733 of Sprint Law Department, Mailstop: MOKCMP0503, 8140 Ward Parkway, Kansas City, Missouri 64114; Phone: (913) 624-6668, Fax (913) 624-6388; Steven J. Funk, Reg. No. 35,875 of Sprint Law Department, Mailstop: MOKCMP0503, 8140 Ward Parkway, Kansas City, Missouri 64114; Phone (913) 624-6828, Fax: (913) 624-6388; and Kevin D. Robb, Reg. No. 47,901 of Sprint Law Department, Mailstop: MOKCMP0503, 8140 Ward Parkway, Kansas City, Missouri 64114; Phone: (913) 624-5340, Fax (913) 624-6388.

Please direct all communications to:

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Sprint Law Department
Mailstop: MOKCMP0503
8140 Ward Parkway
Kansas City, Missouri 64114
Phone: (913) 624-6668

Please direct correspondence and telephone calls to the above attorney.

SPRINT COMMUNICATIONS COMPANY, L.P.

By: 
Harley R. Ball, Esq.

II. CERTIFICATE UNDER 37 C.F.R. 3.73(b)

Sprint Communications Company, L.P. hereby certifies that it is the Assignee of the entire right, title and interest in the patent application identified above by virtue of either:

- A. An assignment from the inventor(s) of the patent application identified above.
- The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____; or
- The assignment, a copy of which is submitted herewith, is submitted herewith for recordation.

OR

B. A chain of title from the inventor(s), of the patent application identified above, to the current Assignee as shown below:

The undersigned representative of the Assignee has reviewed all the documents in the chain of title of the patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the Assignee identified above.

The undersigned further states that he/she is the General Attorney of the Assignee, and is authorized to act herein on its behalf.

The undersigned further declares that all statements made herein of his or her own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated this 27 day of October, 2001.

SPRINT COMMUNICATIONS COMPANY, L.P.

By:


Harley R. Ball, Esq.
General Attorney
Sprint Communications Company, L.P.

JMS/dmp/947541

**ASSIGNMENT AND AGREEMENT IN AN APPLICATION FOR
LETTERS PATENT OF THE UNITED STATES OF AMERICA**

I hereby declare that I am the sole inventor (if only one inventor is named below) or an original, first and joint inventor (if plural inventors are named below) of the invention relating to "**System & Method for Selecting Spectrum**" described in an application for Letters Patent of the United States of America filed on _____, Application No. _____, or, if not identified here by filing date and serial number, executed by me on even date with my execution of this Assignment.

For valuable consideration received, I hereby sell, assign and transfer to Sprint Communications Company L.P., a limited partnership duly organized and existing under the laws of the State of Delaware, United States of America, its successors and assigns, my entire right, title and interest, for all countries in and to said inventions and all the rights and privileges under any and all Letters Patent that may be granted therefore, and any divisions, continuations, reissues and extensions thereof.

I agree that, when requested, I will, without charge to said corporation but at its expense, sign all papers, take all rightful oaths, make all rightful declarations and do all acts which may be necessary, desirable or convenient for securing and maintaining patents or other forms of protection for said inventions in any and all countries and for vesting title thereto in said corporation, its successors, assigns or nominees. If I fail to perform those acts requested in the previous sentence, damages will be the amount of any honorarium that I received for this invention(s). This will not preclude Sprint or its successors, assigns and nominees from taking any action for securing, maintaining, or vesting title to Sprint, or its successors, assigns and nominees.

I agree that I will communicate to said corporation or its representatives any facts known to me respecting said inventions and when requested by said corporation and at its expense will testify in any legal proceedings, and generally do everything possible to aid said corporation, its successors, assigns and legal representatives or nominees, to obtain or enforce proper protection for said inventions in any and all countries.

I authorize and empower said corporation, its successors, assigns or nominees, to make application for patent or other form of protection for said inventions in its or their own name, or in my/our name, in any and all countries to invoke and claim for any application for patent or other form of protection for said inventions filed by it or them, the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it, and to invoke and claim such right of priority without further written or oral authorization from me.

I hereby consent that a copy of this Assignment shall be deemed a full legal and formal equivalent of any assignment, consent to file or like document which may be required in any country for any purpose and more particularly in proof of the right of the said corporation or its successors, assigns or nominees to apply for patent or other proper protection for said inventions, and to claim the aforesaid benefits of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it.

I covenant with Sprint Communications Company L.P., its successors, assigns, legal representatives, and nominees, that to the best of my knowledge the right, title and interest herein conveyed by me are free and clear of any encumbrance, and that I have the full right to convey the same as herein expressed.

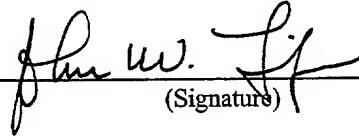
This Agreement and Assignment supersedes all other assignments, agreements and addendums related to the above identified application.

After this Assignment has been recorded, please return it to:

Attn: Harley R. Ball
Sprint Law Department
8140 Ward Parkway
Mailstop: MOKCMP0503
Kansas City, Missouri 64114

SOLE or JOINT INVENTOR

Inventor: John W. Linebarger
(Printed Name)


(Signature)

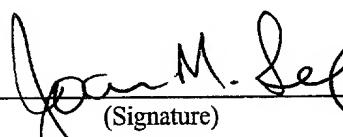
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Date: 10/3/01

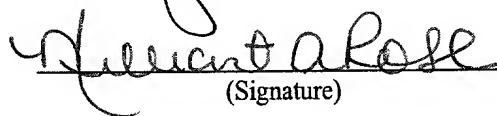
Post Office Address: 3421 Providence Manor Road
Charlotte, North Carolina 28270

Residence: 3421 Providence Manor Road
Charlotte, North Carolina 28270

1st Witness: Joan M. Lee
(Type or Print)


(Signature)

2nd Witness: MILUCENT A. Rose
(Type or Print)


(Signature)

SOLE or JOINT INVENTOR

Inventor: Durga P. Satapathy
(Printed Name)

Durga P. Satapathy
(Signature)

Citizenship: India

Date: 10/22/2001

Post Office Address: 17684 West 159th Terrace
Olathe, Kansas 66062

Residence: 17684 West 159th Terrace
Olathe, Kansas 66062
United States of America

1st Witness: Raymond Reeves
(Type or Print)

Raymond Reeves
(Signature)

2nd Witness: Robert J. Bugg Jr.
(Type or Print)

Robert J. Bugg Jr.
(Signature)

10020056 11/22/2001

JMS/bjl/873351vl